

CHAPTER 445A
WATER POLLUTION CONTROL
General Provisions

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WATER POLLUTION CONTROL

General Provisions

NAC 445A.070 Definitions. (NRS 445A.425, 445A.520) As used in NAC 445A.070 to 445A.348, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445A.071 to 445A.116, inclusive, have the meanings ascribed to them in those sections.

[Environmental Comm'n, Water Pollution Control Reg. part Art. 1, eff. 5-2-78; A 1-25-79]—(NAC A 7-22-87; 9-20-90; 9-13-91; 5-27-92; 10-3-96; R017-99, 9-27-99; R129-01, 1-18-2002; R099-02, 12-17-2002)

NAC 445A.071 “A.G.M.” defined. “A.G.M.” means the annual geometric mean. (Added to NAC by Environmental Comm'n, eff. 12-3-84)—(Substituted in revision for NAC 445.0705)

NAC 445A.072 “Act” defined. “Act” means the federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. §§ 1251 et seq.

[Environmental Comm'n, Water Pollution Control Reg. § 1.1, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.071)

NAC 445A.073 “Acute toxicity value” defined. “Acute toxicity value” means the concentration that is lethal to 50 percent of the test organisms within 96 hours.

[Environmental Comm'n, Water Pollution Control Reg. Art. 1 § a, eff. 7-2-80]—(Substituted in revision for NAC 445.072)

NAC 445A.074 “Administrator” defined. “Administrator” means the administrator of the United States Environmental Protection Agency.

[Environmental Comm'n, Water Pollution Control Reg. § 1.2, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.073)

NAC 445A.0745 “Annual mean flow” defined. (NRS 445A.425, 445A.520) “Annual mean flow” means a value calculated by:

1. Determining the rate of flow of water at or near the location at which a sample of water is taken not more than once each day during a 365-day period;
2. Summing the amounts determined pursuant to subsection 1 during the 365-day period; and
3. Dividing the sum determined pursuant to subsection 2 by the total number of days the rate of flow of water is measured pursuant to subsection 1 during the 365-day period.

(Added to NAC by Environmental Comm'n by R017-99, eff. 9-27-99)

NAC 445A.075 “Aquatic animal production facility” defined. “Aquatic animal production facility” means a hatchery, fish farm or other facility which contains, grows or holds:

1. Fish or other aquatic animals in ponds, raceways or other similar structures for purposes of production and from which there is a discharge on any 30 days or more per year, but does not include:
 - (a) Closed ponds which discharge only during periods of excess runoff; or
 - (b) Facilities which produce less than 20,000 pounds of aquatic animals per year.

2. Any species of fish or other animal life (other than carp (*Cyprinum carpio*), goldfish (*Carrasius auratus*) or brown trout (*Salmo trutta*)) nonnative to the United States as defined in “Special Publication No. 6” of the American Fisheries Society entitled “A List of Common and Scientific Names of Fishes from the United States and Canada” and from which there is a discharge at any time.

[Environmental Comm’n, Water Pollution Control Reg. §§ 1.3-1.3.1.2, eff. 5-2-78; § 1.3.2, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.074)

NAC 445A.076 “Buffer zone” defined. “Buffer zone” means the distance measured between the boundary of any site irrigated with treated effluent and:

1. The boundary line of the property on which the site is located;
2. The notice posted pursuant to subsection 3 of NAC 445A.275 warning the public of the presence of treated effluent; or
3. Any point where the property is open to public access, whichever measurement is least.

(Added to NAC by Environmental Comm’n, eff. 9-13-91)—(Substituted in revision for NAC 445.0747)

NAC 445A.077 “Commission” defined. “Commission” means the state environmental commission.

[Environmental Comm’n, Water Pollution Control Reg. § 1.5, eff. 5-2-78; A and renumbered as § 1.4, 1-25-79]—(Substituted in revision for NAC 445.075)

NAC 445A.078 “Complete treatment” defined. “Complete treatment” means that degree of treatment which is required to continuously produce water which meets the standards for drinking water of the state board of health.

[Environmental Comm’n, Water Pollution Control Reg. § 1.6, eff. 5-2-78; A and renumbered as § 1.5, 1-25-79]—(Substituted in revision for NAC 445.076)

NAC 445A.079 “Conventional treatment” defined. “Conventional treatment” means processes such as coagulation, sedimentation, filtration and disinfection. The term does not include desalting techniques.

[Environmental Comm’n, Water Pollution Control Reg. § 1.7, eff. 5-2-78; A and renumbered as § 1.6, 1-25-79]—(Substituted in revision for NAC 445.077)

NAC 445A.080 “Department” defined. “Department” means the state department of conservation and natural resources.

[Environmental Comm’n, Water Pollution Control Reg. § 1.8, eff. 5-2-78; A and renumbered as § 1.7, 1-25-79]—(Substituted in revision for NAC 445.078)

NAC 445A.081 “Director” defined. “Director” means the director of the department or his designee.

[Environmental Comm’n, Water Pollution Control Reg. § 1.9, eff. 5-2-78; A and renumbered as § 1.8, 1-25-79]—(Substituted in revision for NAC 445.079)

NAC 445A.082 “Discharge” defined. “Discharge” has the meaning ascribed to it in NRS 445A.345.

[Environmental Comm’n, Water Pollution Control Reg. § 1.10, eff. 5-2-78; A and renumbered as § 1.9, 1-25-79]—(Substituted in revision for NAC 445.080)

NAC 445A.083 “Disinfection” defined. “Disinfection” means the destruction or inactivation of disease-producing organisms.

[Environmental Comm’n, Water Pollution Control Reg. § 1.11 eff. 5-2-78; A and renumbered as § 1.10, 1-25-79]—(Substituted in revision for NAC 445.081)

NAC 445A.084 “Division” defined. “Division” has the meaning ascribed to it in NRS 445A.350.

[Environmental Comm’n, Water Pollution Control Reg. § 1.11, eff. 1-25-79]—(Substituted in revision for NAC 445.082)

NAC 445A.0845 “E coli” defined. (NRS 445A.425, 445A.520) “E coli” means *Escherichia coli*.

(Added to NAC by Environmental Comm’n by R099-02, eff. 12-17-2002)

NAC 445A.085 “Effluent limitation” defined. “Effluent limitation” has the meaning ascribed to it in NRS 445A.355.

[Environmental Comm’n, Water Pollution Control Reg. § 1.12, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.083)

NAC 445A.086 “Filtration” defined. “Filtration” means a physical-chemical process for removing suspended and colloidal impurities from water by passage through a porous medium by the following mechanisms: Absorption, flocculation, sedimentation and straining.

[Environmental Comm’n, Water Pollution Control Reg. § 1.13, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.084)

NAC 445A.0865 “Flow weighted annual average concentration” defined. (NRS 445A.425, 445A.520) “Flow weighted annual average concentration” means a value calculated by:

1. Multiplying, not more than once each day during a 365-day period, the concentration of pollutants present in a sample of water by the rate of flow of the water at the location and time at which the sample is taken;
2. Summing the amounts determined pursuant to subsection 1 during a 365-day period;
3. Dividing the sum determined pursuant to subsection 2 by the total number of days the concentration of pollutants is measured pursuant to subsection 1 during a 365-day period; and
4. Dividing the amount determined pursuant to subsection 3 by the annual mean flow.

(Added to NAC by Environmental Comm’n by R017-99, eff. 9-27-99)

NAC 445A.087 “Individual sewage disposal system” defined. “Individual sewage disposal system” means a system of sewage treatment tanks or tank and effluent absorption or percolation facilities serving a single dwelling or structure.

[Environmental Comm’n, Water Pollution Control Reg. § 1.14, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.085)

NAC 445A.088 “Industrial user” defined. “Industrial user” means any industry identified in the “Standard Industrial Classification Manual,” published by the United States Bureau of the Budget, under the category “Division D-Manufacturing” and the other classes of significant waste producers as, by regulation, the director or the commission deems appropriate.

[Environmental Comm'n, Water Pollution Control Reg. § 1.42, eff. 10-26-79]—
(Substituted in revision for NAC 445.086)

NAC 445A.089 “Industrial wastes” defined. “Industrial wastes” means wastes resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources.

[Environmental Comm'n, Water Pollution Control Reg. § 1.15, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.087)

NAC 445A.090 “Interstate agency” defined. “Interstate agency” has the meaning ascribed to it in NRS 445A.370.

[Environmental Comm'n, Water Pollution Control Reg. §§ 1.16-1.16.2, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.088)

NAC 445A.091 “Law” defined. “Law” means NRS 445A.300 to 445A.730, inclusive.

[Environmental Comm'n, Water Pollution Control Reg. § 1.17, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.089)

NAC 445A.092 “Minor discharge” defined. “Minor discharge” means any discharge which:

1. Has a total volume of less than 50,000 gallons on every day of the year;
2. Does not affect the waters of any other state; and
3. Is not identified by the director, the regional administrator or the administrator as a discharge which is not a minor discharge.

If there is more than one discharge from a facility and the sum of the volumes of all discharges from the facility exceeds 50,000 gallons on any day of the year, then no discharge from the facility is a minor discharge as defined in this section.

[Environmental Comm'n, Water Pollution Control Reg. § 1.18, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.090)

NAC 445A.093 “Municipality” defined. “Municipality” has the meaning ascribed to it in NRS 445A.375.

[Environmental Comm'n, Water Pollution Control Reg. §§ 1.19-1.19.2, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.091)

NAC 445A.094 “NPDES” defined. “NPDES” means the National Pollutant Discharge Elimination System, which is the national system for the issuance of permits under section 402 of the Act.

[Environmental Comm'n, Water Pollution Control Reg. § 1.20, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.092)

NAC 445A.095 “Natural waters” defined. “Natural waters” means waters which have not been degraded or enhanced by actions attributable to man.

[Environmental Comm'n, Water Pollution Control Reg. § 1.21, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.093)

NAC 445A.096 “New source” defined. “New source” means any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under section 306 of the Act which will be applicable to the source if the standard is thereafter promulgated in accordance with section 306 of the Act.

[Environmental Comm'n, Water Pollution Control Reg. § 1.22, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.094)

NAC 445A.097 “Origin” defined. “Origin” means all waters tributary to those waters being classified and are considered a part of the waters being classified unless otherwise designated.

[Environmental Comm'n, Water Pollution Control Reg. § 1.23, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.095)

NAC 445A.098 “Permit” defined. “Permit” means a written authorization to discharge pollutants into the waters of the state in accordance with the Act, the law and the regulations promulgated thereunder.

[Environmental Comm'n, Water Pollution Control Reg. § 1.24, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.096)

NAC 445A.099 “Person” defined. “Person” has the meaning ascribed to it in NRS 445A.390.

[Environmental Comm'n, Water Pollution Control Reg. §§ 1.25-1.25.2, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.097)

NAC 445A.100 “Point source” defined. (NRS 445A.425)

1. “Point source” has the meaning ascribed to it in NRS 445A.395.
2. The term includes wheeled, track, stationary or floating equipment used for earth-moving activity from which pollutants are or may be discharged.

[Environmental Comm'n, Water Pollution Control Reg. § 1.26, eff. 5-2-78; A 1-25-79]—(NAC A by R096-01, 1-18-2002)

NAC 445A.101 “Pollutant” defined. “Pollutant” has the meaning ascribed to it in NRS 445A.400.

[Environmental Comm'n, Water Pollution Control Reg. §§ 1.27-1.27.2, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.099)

NAC 445A.102 “Pollution” defined. “Pollution” has the meaning ascribed to it in NRS 445A.405.

[Environmental Comm'n, Water Pollution Control Reg. § 1.28, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.100)

NAC 445A.103 “Pretreatment program” defined. “Pretreatment program” means the general pretreatment regulations for existing and new sources of pollution as set forth in 40 C.F.R. §§ 403 et seq.

[Environmental Comm'n, Water Pollution Control Reg. § 1.43, eff. 10-26-79]—(Substituted in revision for NAC 445.101)

NAC 445A.104 “Pretreatment standards” defined. “Pretreatment standards” means the standards promulgated under section 307(b) of the Act.

[Environmental Comm'n, Water Pollution Control Reg. § 1.29, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.102)

NAC 445A.106 “Regional Administrator” defined. “Regional Administrator” means the regional administrator of the United States Environmental Protection Agency, Region IX.

[Environmental Comm'n, Water Pollution Control Reg. § 1.31, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.104)

NAC 445A.107 “Sewage” defined.

1. “Sewage” means the water-carried human or animal waste from residences, buildings, industrial establishments, feedlots or other places, together with such ground water infiltration and surface water as may be present.

2. The term includes the mixture of sewage with wastes or industrial wastes.

[Environmental Comm’n, Water Pollution Control Reg. § 1.32, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.105)

NAC 445A.108 “Source” defined. “Source” means any building, structure, facility or installation from which there is or may be the discharge of pollutants.

[Environmental Comm’n, Water Pollution Control Reg. § 1.33, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.106)

NAC 445A.109 “Standard of performance” defined. “Standard of performance” means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

[Environmental Comm’n, Water Pollution Control Reg. § 1.34, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.107)

NAC 445A.110 “Toxic material” defined.

1. “Toxic material” means any pollutant or combination of pollutants which will, on the basis of information available to the administrator, cause an organism or its offspring to die or to suffer any:

- (a) Disease;
- (b) Behavioral abnormality;
- (c) Cancer;
- (d) Genetic mutation;
- (e) Physiological malfunction, including a malfunction in reproduction; or
- (f) Physical deformation,

if that pollutant or combination of pollutants is discharged and exposed to or assimilated by the organism, whether directly from the environment or indirectly through food chains.

2. The term includes any disease-causing agent having the characteristics described in subsection 1.

[Environmental Comm’n, Water Pollution Control Reg. § 1.35, eff. 5-2-78; A 1-25-79]—(NAC A 9-26-90)—(Substituted in revision for NAC 445.108)

NAC 445A.111 “Treatment or waste treatment” defined. “Treatment or waste treatment” means the stabilization or alteration of the quality of waste waters by physical, biological or chemical means or a combination thereof, for the purpose of reducing or eliminating adverse effects on water quality, such that the tendency of the wastes to cause any degradation in water quality or other environmental conditions is reduced or eliminated.

[Environmental Comm’n, Water Pollution Control Reg. § 1.36, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.109)

NAC 445A.112 “Treatment works” defined. “Treatment works” has the meaning ascribed to it in NRS 445A.410.

[Environmental Comm’n, Water Pollution Control Reg. §§ 1.37-1.37.5, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.110)

NAC 445A.113 “Water quality standards or limitations” defined. “Water quality standards or limitations” means any applicable state or federal water quality standards or limitations, including but not limited to water quality criteria, water use classifications, implementation plans and compliance schedules, effluent standards and limitations, prohibitions, standards of performance and pretreatment standards.

[Environmental Comm’n, Water Pollution Control Reg. § 1.38, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.111)

NAC 445A.114 “Waters of the state” defined. “Waters of the state” has the meaning ascribed to it in NRS 445A.415.

[Environmental Comm’n, Water Pollution Control Reg. § 1.39, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.112)

NAC 445A.115 “Zone of mixing” defined. “Zone of mixing” means the volume of water near the point of waste discharge within which the waste immediately mixes with the receiving water due to the momentum of the waste discharge and the difference in density between the waste and the receiving water.

[Environmental Comm’n, Water Pollution Control Reg. § 1.40, eff. 5-2-78; A 1-25-79]—(Substituted in revision for NAC 445.113)

NAC 445A.116 “Zone of passage” defined. “Zone of passage” means a continuous water route of the volume, cross-sectional area and quality necessary to allow passage of aquatic life without any significant effect produced on the aquatic life.

[Environmental Comm’n, Water Pollution Control Reg. § 1.41, eff. 5-2-78; A 1-25-79; renumbered as Art. 1 § b, 7-2-80]—(Substituted in revision for NAC 445.114)

NAC 445A.117 Severability. If any of the provisions of NAC 445A.070 to 445A.340, inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that the invalidity not affect the remaining provisions or their application that can be given effect without the invalid provision or application.

[Environmental Comm’n, Water Pollution Control Reg. Art. 5, eff. 5-2-78]—(NAC A 10-3-96)